

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	November 19, 2007
Docket Number:	0711-VS-031
Appellant:	Bank of Indianapolis
Property Address:	2714 East 146 th Street
Variance of Standard Request:	<i>WC 16.06.060</i> Buffer Yard Plantings

EXHIBITS

- | | |
|--------------------------------------|------------|
| 1. Staff Report | 11/19/2007 |
| 2. Aerial Location Map | 11/19/2007 |
| 3. Appellant's Application and Plans | 10/15/2007 |

RELATED CASES

- | | |
|-------------|---------------------------|
| 0711-VS-029 | Monument Sign Variance |
| 0707-DP-09 | Development Plan Approval |

VARIANCE OF STANDARD REQUEST

This variance of standard request is to reduce the southern buffer yard planting requirements from seven (7) evergreen trees to zero (0) evergreen trees. This request is for the Bank of Indianapolis site at the Cool Creek Village non-residential center, which is located within the SB-PD District (*WC 16.06.060*).

PROPERTY INFORMATION

The subject property is approximately one acre, located on 146th Street in the Cool Creek Village non-residential center. The property is zoned SB-PD and is used commercially. Abutting property to the north and east is zoned SB-PD and is part of the Cool Creek Village non-residential center. Abutting property to the west is zoned SB-PD and is part of the Cool Creek Commons non-residential center. Abutting property to the south (across 146th Street) is within the City of Carmel's planning and zoning jurisdiction. Property to the south is located in Carmel's R-1 District, which is identified as a low-density single-family residential district, characterized by lots with areas between 10,000 square feet and one (1) acre. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

The development plan and site plan for the subject property were conditionally approved by the Advisory Plan Commission on July 23, 2007 (0707-DP-09).

There are no variances, special exceptions, or pending enforcement cases on record for the subject property.

ANALYSIS

The submitted application identifies the seven (7) evergreen trees that would be reduced from the approved landscaping plan (0707-DP-09). The approved plans depict a landscaping design that can accommodate the required evergreen plantings in the southern buffer yard. The provisions of the landscaping ordinance allow for clustering and grouping of trees, so that a utilitarian, linear planting pattern can be avoided.

Typically, variances on planting requirements are reserved for lots that have a peculiarity about them that make it difficult or impossible to plant the required plants and expect them to live. An approved landscaping plan for the site has demonstrated that all of the required plants can be located where they are required to be located, per the landscaping ordinance. The subject property does not have any peculiar characteristics that prohibit the installation of the seven (7) evergreen trees, as shown on the approved plans. The submitted application states the variance request is for visibility reasons, not difficulty with the site or land.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. **That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health and safety of the community. The intent of buffer yard evergreen trees is to screen dissimilar uses from one another. Adjacent property to the south is residential and requires buffering from a commercial use, per the landscaping standards. Reducing the evergreen tree planting requirement would jeopardize the intent of buffering and screening.

- b. **That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

Findings: Approving the requested variance would not prevent the use of adjacent property. The property most directly impacted by the buffer plantings would be the residential property to the south. Reducing the plantings would unlikely impact the use of the property, but it may negatively impact the value of the property. If planted, the evergreen trees may help screen objectionable activities or views from the residential

property. If not planted, the residential property may be subject to objectionable activities or views of the subject property.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: Strict adherence to the zoning ordinance would not result in a practical difficulty or prevent the use of the subject property. It has been demonstrated through an approved landscape plan that the required evergreen trees can be planted in the southern buffer yard. Diminished visibility from the street does not demonstrate a practical difficulty for the use of the subject property, but it rather supports the notion that evergreen screening is effective.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED MOTION

Deny this variance of standard request based on the findings of this report.

Should the Board move to approve this variance of standard request, the following conditions would be appropriate:

1. That the seven (7) evergreen trees in the southern buffer yard be replaced on the landscape plan with evergreen shrubs at the ratio of 1:3 (tree:shrub);
2. That an amended landscape plan depicting the new shrubs be provided to staff prior to the issuance of an Improvement Location Permit.

KMT

National Bank of Indianapolis
Exhibit 2



Petition Number:

07 11-VS-030

Date of Filing:

10/15/07

**Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name The National Bank of Indianapolis ; Monie Maurer
 Address 107 N. Pennsylvania St. Suite 700
Indianapolis, IN 46204
 Telephone Number (317) 261-9000
 E-Mail Address sharris@nbofi.com

2. Landowner's Name Thompson Thrift ; Paul M. Thrift
 Address 901 Wabash Ave, Suite 300
Terre Haute, IN 47807
 Telephone Number (812) 235-5959

3. *Representative Brenner Design, Inc. ; Tom McDowell
 *Address 108 E. Market St.
Indianapolis, IN 46204
 *Telephone Number (317) 262-1220
 *Email Address tmcdowell@brennerdesign.com

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
The National Bank of Indianapolis at Cool Creek
2714 E 146th Street
Carmel, IN 46033

5. Legal description of property (list below or attach)
see attached

6. Complete description of the nature of the development standard variance applied for:
Omission of seven (7) proposed evergreen
trees in the previously approved landscaping
plan along 146th Street.

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true :

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Omission of seven (7) evergreens along the southern boundary of the outlot will allow the bank building and identifying signage to be more readily visible from 146th Street. Motorists approaching from either direction on 146th Street will have more time to anticipate the turn into the retail center.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

The existing residential development directly to the south currently has a masonry wall and multiple evergreen trees of substantial height which together comprise an adequate visual barrier. The proposed landscape plan retains the placement of four (4) deciduous trees along the outlot's southern border.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Retaining the seven evergreens along the southern boundary of the outlot will make it more difficult for bank patrons to see the bank and identifying signage from 146th Street; motorists will have more difficulty anticipating where to turn.

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Tom McDowan
Applicant

SUBSCRIBED AND SWORN TO ME THIS 15TH DAY OF OCTOBER, 2007.

Bob C. Ryba
Notary Public

My commission expires: 12-8-2011

Cool Creek Development
Bank Parcel
Created: May 7, 2007

Part of the Southeast Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of said Section 18; thence South 89 degrees 45 minutes 45 seconds West (an assumed bearing) 1,209.84 feet along the South Line of the Southeast Quarter of said Section 18 to the eastern boundary line of the 0.165 acre tract of land described within Instrument Number 9709733807 of the Hamilton County Recorder's Office; thence North 00 degrees 14 minutes 15 seconds West 49.86 feet along the eastern boundary line of said 0.165 acre tract to the northern right-of-way line of 146th Street, the following six (6) courses are along the northern right-of-way line of 146th Street; 1) thence South 89 degrees 45 minutes 45 seconds West 418.44 feet; 2) thence South 03 degrees 48 minutes 39 seconds West 4.88 feet; 3) thence South 89 degrees 45 minutes 45 seconds West 90.20 feet to the POINT OF BEGINNING of this description; 4) thence South 89 degrees 45 minutes 45 seconds West 20.46 feet; 5) thence North 89 degrees 41 minutes 45 seconds West 104.94 feet; 6) thence North 89 degrees 13 minutes 25 seconds West 59.28 feet; thence North 00 degrees 14 minutes 15 seconds West 215.22 feet to a point of curvature to the right, said point being located South 89 degrees 45 minutes 45 seconds West 31.50 feet from the radius point of said curve; thence Northeasterly 49.48 feet along said curve to its point of tangency, said point being located North 00 degrees 14 minutes 15 seconds West 31.50 feet from the radius point of said curve; thence North 89 degrees 45 minutes 45 seconds East 153.17 feet; thence South 00 degrees 14 minutes 15 seconds East 248.76 feet to the POINT OF BEGINNING containing 1.046 acres, more or less.

CONSENT FORM

The undersigned Paul M. Thrift, being the owner of the portion of land located along the north side of 146th Street, just east of Cool Creek known as the Cool Creek Village Bank Parcel (described in the attached legal description), hereby authorizes The National Bank of Indianapolis, Brenner Design, and American Structurepoint, Inc. to apply for and execute land development applications for the propose of obtaining necessary permits from the Town of Westfield.

Paul M. Thrift
Owner Signature

Paul M. Thrift
Name Printed

6-12-07
Date

STATE OF INDIANA
COUNTY OF Hamilton, SS:

Subscribed and Sworn to before me this 12 day of June, 2007.

My Commission Expires:

June 6, 2014

Debra Jean Wood
Notary Public

Debra Jean Wood
Name Printed

Resident of Hamilton County.